

REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the most recent Office Action. Claims 20, 21, 24, 27 and 36 have been amended. Claims 22, 26, 27, 38, 39 and 41 have been cancelled. New claims 44-47 have been added to present the subject matter indicated to be allowable from claims 26, 27, 39 and 40 rewritten as suggested by the examiner. Applicant respectfully requests reconsideration of this application.

Claim 20 has been amended to address the issues raised by the Examiner under 35 U.S.C. §112. Additionally, the subject matter previously presented in claim 22 has been placed into claim 20. Accordingly, Applicant respectfully submits that the amendments to claim 20 do not raise any new issues and the amendment should be entered.

Similarly, claim 36 has been amended to address the Examiner's concerns under 35 U.S.C. §112. Additionally, the subject matter of claim 41 has been inserted into claim 36. Accordingly, Applicant respectfully submits that the amendments to claim 36 do not raise any new issues and the amendment should be entered.

Claims 21, 24 and 27 have been amended to address the Examiner's concerns under 35 U.S.C. §112. No new issues are raised by these amendments.

The objection to the specification noted by the Examiner on page 2 of the most recent Office Action was already addressed. The Response filed by Applicant on February 1, 2001, clarified the language of the specification so that the current objection should be withdrawn as it was already dealt with.

60.130-464
98CIM12

With regard to the objection to the specification as failing to provide proper antecedent basis for the subject matter in claim 36, Applicant respectfully submits that the drawings clearly support the claim language. To make the language within the specification consistent with the language in claim 36, Applicant has inserted a paragraph into the specification by way of amendment above. No new matter has been entered. The amendment to claim 20 renders the objection to the specification with regard to that claim moot.

As noted, Applicant's amendments to the claims are intended to clarify the language of the claims and the address the issues raised by the Examiner under 35 U.S.C. §112. Applicant respectfully submits that the claims are proper according to 35 U.S.C. §112.

Claims 20-25, 36-38 and 41-43 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 4-6, 8 and 13 of the Pages patent in view of Sessa '060. Applicant respectfully traverses this rejection. Neither Pages nor Sessa discloses an arrangement as claimed. Even the combination of the two is not the same as the claimed invention. Therefore, the Examiner's concerns regarding double patenting are not warranted. The portion 12 in the Sessa reference is not an opening that receives an end of a cable from the passage or tunnel side of the flange as claimed. Even if the combination were proper, with which Applicant respectfully disagrees, the result is not the same as Applicant's claimed invention and there is no basis for an obviousness-type double patenting rejection.

Claims 36-38 were rejected under 35 U.S.C. §102(b) as being anticipated by Hess. Applicant respectfully traverses this rejection. Hess nowhere discloses the assembly claimed in claim 36. Applicant has included the subject matter previously presented in claim 41 in amended

60,130-464
98C1M12

claim 36. The subject matter is nowhere shown nor suggested within Hess.

Claim 36 was rejected under 35 U.S.C. §102(e) as being anticipated by Pages. Applicant respectfully submits that there is no anticipation of claim 36 as amended.

Claims 20-25, 36-38 and 41-43 were rejected under 35 U.S.C. §103 as being unpatentable over Sessa '060 in view of Pages. Applicant respectfully traverses this rejection. To begin with, Applicant respectfully submits that the combination cannot be properly made. There is no motivation to add the hood of Pages to the arrangement of Sessa to arrive at an arrangement as claimed by Applicant. Adding a hood, even one as shown in Pages, will not facilitate inserting the end of the cable 12 into the corresponding portion of the Sessa device. As can be seen best perhaps in Figure 5, the end 12 of the cable must be received into the corresponding opening on the portion 13 of the Sessa device from underneath the surface of the portion 13. This is not the same as Applicant's invention, which includes an opening through which the end of the cable is received from the tunnel or passage side of the flange, which faces toward the hood. Because the end of the cable 12 in the Sessa device is received from the opposite side, there is no benefit to adding a tunnel or passage for guiding the end of the cable toward the opening in the portion 13 of the Sessa device. Without any benefit to adding such a hood, there is no motivation to do so and no prima facie case of obviousness exists.

Additionally, as noted, the device of Sessa requires cable insertion from an opposite direction from that in Applicant's claimed invention. Therefore, even if the combination could properly be made, the result is not the same as Applicant's invention and the pending claims are not obvious.

60,130-464
98CIM12

Applicant thanks the Examiner for the indication of allowable subject matter. New claims 44-47 present the allowable subject matter of cancelled claims 26, 27, 39 and 40. Accordingly, those claims are allowable.

Applicant submits that this case is in condition for allowance and that it is now time for this case to be forwarded to being issued. Applicant's representative is available to discuss any issues regarding this application by telephone if the Examiner believes that such a telephone conference will be useful.

Applicant's proposed amendment filed February 14, 2002 authorized payment of \$84.00 for adding one independent claim in excess of three. Applicant assumes that charge was made as authorized. If so, Applicant believes that no further fees are due. If that charge was not made because that amendment was not entered, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds in the amount of \$84.00. If any additional fees are required, the Commissioner is also authorized to charge that amount to Deposit Account No. 50-1482.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.



David J. Gaskey
Registration No. 37,139
400 West Maple, Suite 350
Birmingham, MI 48009
(248) 988-8360

Date: April 5, 2002

N:\Clients\WMH\T\ORI\p00464\PATENT\RESPONSE 4-8-02.doc

60,130-464
9RCIM12

CERTIFICATE OF FACSIMILE

I hereby certify that this Response is being facsimile transmitted to Examiner Gregory J. Strimbu, Patent and Trademark Office (Fax No. (703) 305-3597 on April 5, 2002.

Theresa M. Palmateer

APPENDIX A**Version with markings to show changes made
in the Claims**

20. (Amended) A device for raising and lowering a vehicle window, comprising:

a cable having two ends;

a drum having a plurality of grooves on an outer surface of the drum for receiving portions of the cable, a first end of the drum having a receiver that receives one of the ~~two~~ cable ends, a second end of the drum including a flange extending radially outward further than the grooves, the flange including an opening extending axially through the flange ~~adjacent a ramp that extends at an angle relative to an axis of the drum;~~ and

a hood having a sidewall partially surrounding the drum, the sidewall and a portion of the drum flange cooperating to form an arcuate passage, a second [end] ~~one of the two ends of~~ the cable being ~~first~~ received through the arcuate passage and ~~then~~ into the opening in the flange.

21. (Amended) The device of claim 20, wherein the hood sidewall includes a first axial portion, a radially extending portion and a second axial portion that extends between the radially extending portion and the drum flange and wherein the [second] end of the cable is received between the radially extending portion and the drum flange and ~~between~~ the second axially extending portion and the drum body[, respectively].

60.130-464
98CJM12

24. (Amended) The device of claim 22, including a sidewall on [opposite sides] ~~each~~ side of the ramp, each sidewall extending in a direction generally parallel to the axis of the drum.

36. (Amended) A vehicle window raiser assembly, comprising:
a cable;

a winding drum having a body portion that has a plurality of grooves that support a portion of said cable for winding said cable, the drum having a radially extending flange at one end of the body portion, the flange including an opening ~~that is adjacent a ramp that extends at an angle relative to an axis of the drum;~~ and

a hood having a sidewall extending along a portion of the length of the drum body at a first radial dimension, [and] ~~the hood having~~ a passage portion having a second, larger radial dimension, the passage portion and the drum flange cooperating to form a tunnel that guides and supports an end of the cable prior to the end being inserted into the opening in the flange.

N:\Clients\MERITOR\p00464\PATENTRESPONSE 3-13-02.doc